

Serial No. 10/618,918
Amendment & Response to Office Action
Response filed March 30, 2007

Filed: July 14, 2003

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REMARKS

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Applicant thanks the Examiner for the allowance of claims 1-12 and 24 and the reasons for their allowance, and also thanks the Examiner for explaining of the reasons for rejection of the other claims of the application.

In the reasons for allowance of claims 1-12 and 24, the Examiner indicated "the presence of oppositely facing side inputs located on the outside surface is neither disclosed nor made obvious by the cited prior art." Applicant has amended the rejected claims of this application to reflect the subject matter which is regarded by the Examiner as novel and non-obvious, and Applicant respectfully submits that the rejected claims of this application are now in condition for allowance.

Claim 13 has been amended to recite, in part, "a dual-sided connection formed on an outside surface of the main housing with side inputs, one facing rightwardly and one facing leftwardly from the speaker housing", and Applicant respectfully submits that claim 13 is now in condition for allowance.

Claim 30 has been amended to recite, in part, "said first side input and second side input facing in opposite directions," and Applicant respectfully submits that claim 30 is now in condition for allowance.

Claim 32 has been amended to recite, in part, "a dual-sided connector on the outside of the housing wall having a first input connector and a second input connector at opposite sides of the dual-sided connector", and Applicant respectfully submits that claim 32 is now in condition for allowance.

With respect to claims 25 and 31, the Examiner, citing Enviroco Corp. v. Clestra Cleanroom, Inc., 209 F.3d 1360, 54 USPQ2d 1449 (Fed. Cir. 2000, indicated that claim 25 and 31 were not in proper "means plus function" format because, for example, of their recitations "dual-sided electrical connection." Applicant has amended claims 25 and 31 to omit their structural recitations and place them in proper means plus function format. With respect to the Examiner's reasons for allowance, claim 25 has been amended to recite, in part, "means, attached to an outside surface of the housing means, for inputting speaker

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signals from opposite directions", and claim 31 has been amended to recite, in part, "means for inputting speaker signals from opposite directions outside of the speaker housing." These recitations of claims 25 and 31 express a function not disclosed, taught or suggested by the cited references, as indicated by the Examiner in the reasons for allowance of claims 1-12 and 24. As indicated below, claims 25 and 31 are further patentably distinguished from the cited references.

35 U.S.C. § 112, paragraph 6 states:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

In keeping with 35 U.S.C. § 112, paragraph 6, MPEP Section 2111.01 states: "2111.01 Plain Meaning [R-3]

1. THE WORDS OF A CLAIM MUST BE GIVEN THEIR "PLAIN MEANING" UNLESS THEY ARE DEFINED IN THE SPECIFICATION"

"...there is one exception, and that is when an element is claimed using language falling under the scope of 35 U.S.C. 112, 6th paragraph (often broadly referred to as means or step plus function language). In that case, the specification must be consulted to determine the structure, material, or acts corresponding to the function recited in the claim. In re *Donaldson*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994) (see MPEP §2181 -§2186)." (Emphasis added, p. 2100-48, MPEP, Eighth Edition, Revision 2 (May 2004).

See also MPEP 2106, p. 2100-0, Eighth Edition, revision 2 (May 2004)

"Where means plus function language is used to define the characteristics of a machine or manufacture, claim limitations must be interpreted to read on only the structure or materials disclosed in the specification and "equivalents thereof".

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The structures, materials and acts and equivalents thereof corresponding to the functions "inputting speaker signals from opposite directions" (Claims 25-29) and "inputting speaker signals from opposite directions outside of the speaker housing" are described in the specification, for example, in paragraphs [010]-[016] and [036]-[038] and one embodiment thereof is illustrated in Figs. 2-5.

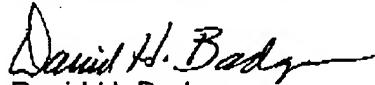
There is nothing in Novitschitsch (or in Ikeyama, or their combination) that discloses, teaches or suggests the functions of "inputting speaker signals from opposite directions" (claims 25-29) or "inputting speaker signals from opposite directions outside the speaker", (claim 31) or the corresponding structure, materials and acts and equivalents thereof described in the specification.

Applicant respectfully submits that claims 25-29 and 31 are in proper form for the application of 35 U.S.C. § 112, patentably distinguish the invention from the cited references and are in condition for allowance:

Applicant respectfully submits that the rejected claims, as amended, now reflect the Examiner's reasons for allowance, and, for the reasons set forth above and in Applicant's last Office Action response, all of the claims of the application patentably distinguish Applicant's invention from the cited references and are in condition for allowance.

Applicant thus respectfully requests the allowance of this application.

Respectfully submitted,


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